

**DISCUSSION ITEM**

**Seating Areas**

## Seating Areas

**(If approved by the BoD, this would become IV.B.4. of AR-2 with a title change in the table of contents and re-numbering of AR-2 to accommodate this new section. It would replace IV.B.2.m., which is a catch-all section specifically prohibiting items on the general, limited, or reserved common elements unless specifically approved by the BoD. Sub-section m. reads: Furniture (other than outdoor lawn furniture).**

Outdoor furniture is ONLY allowed for upper-level units without a Limited Common Element patio appurtenant to the rear of the unit and as designated on Parkfairfax plats and plans. (BOARD OPTIONAL – could also delete this sentence and extend this privilege to Owners with designated rear patio areas).

Furniture must be specifically made for outdoor use and may consist only of wood or metal, or a combination thereof. Indoor furniture of any kind or material is strictly prohibited. Allowable colors for outdoor furniture are black, white, earth tone colors such as dark green, brown, or brick red matching the building brick. Wood may be in its natural finish, and metals may have finishes of copper or bronze in addition to the colors listed above. Silver or chrome finishes are strictly prohibited.

Furniture must be appropriately sized to the seating area and may include 2 café sized chairs with a bistro table not to exceed 2 feet (24”) in diameter **OR** a garden bench not to exceed 4 feet (48”) in length.

ALL furniture must be placed within the Limited Common Element area adjacent to a Unit’s entry door or stoop and must be ENTIRELY contained within a space no further than 5 feet from the wall of that building, and additionally are strictly prohibited from crossing any sidewalks. Furniture placement is strictly prohibited in front of any other unit’s bedroom, kitchen, or bathroom window. If a seating area location overlaps in any way with an approved location for an HVAC compressor, the installation of the compressor will take precedence.

Removal of any existing mature plantings not specifically listed on the Association’s Dirty Dozen List of prohibited plantings will require specific, written pre-approval by the Association prior to removal and may include a requirement to install replacement plantings in the unit area at the Association’s direction. If plantings are removed without such approval, the Association reserves the right to require that the vegetation in the area be restored at the Unit Owner’s expense.

Furniture may be placed directly on existing soil and grass or ground covering. Wood chips or mulch in brown or black are also acceptable materials. If installing surface finishing materials, only permeable materials may be used. Stone dust or gravel in black, white, or neutral earth tone colors such as tan or brown are acceptable. Edging materials used as a border to both define the seating area and to contain the surface finishing materials may be black or brown steel or vinyl edging, landscape timbers, or brick or concrete edging. (BOARD OPTIONAL) The

following materials are strictly prohibited as surface finishing materials: wood or composite decking, concrete, concrete pavers, brick pavers, and stone paving.

The Unit Owner and all subsequent Owners are solely responsible for all maintenance and repairs of the seating area during and after installation. If the Association requires removal of the seating area, in whole or in part, in order to perform routine or emergency maintenance, the Unit Owner is solely responsible for the replacement and/or repair of the seating area; the Association is not responsible in any way. The Association will attempt to make a good faith effort to notify the Unit Owner but failure of such notice does not cause the Association to be liable for any damage to or replacement of any elements of the seating area.

## SEASONAL OUTDOOR FURNITURE (Bush Comments)

**From the outset let me say I am not in favor of allowing any change to the rules and regulations which would even infer allowing front patios, whether by the name of front seating areas or another nomenclature. I believe that this proposed revision to the rules will actually allow front patios by calling them by another name.**

Item One: If we are going to adopt something along this line it should not be a part of the body of AR#2, but a separate specification or rule.

**Item Two:** Seasonal outdoor furniture is ONLY allowed for upper-level units without a Limited Common Element patio appurtenant to the rear of the unit and as designated on Parkfairfax plats and plans (*optional – could also delete this sentence and extend this to Owners with designated rear patio areas*). *Allowing folding chairs, adirondack chairs, etc., to be placed outside a front door for any unit, or on the common element in a courtyard or common area, should be permitted; however, there should be no inference that this placement would be the setting for a “front patio.”*

**Item Three:** Furniture must be specifically made for outdoor use and may consist only of wood, metal, or a combination thereof. Indoor furniture of any kind or material is strictly prohibited. Allowable colors for outdoor furniture are black, white, earth tone colors such as dark green, brown, or brick red matching the building brick. Wood may be in its natural finish, and metals may have finishes of copper or bronze in addition to the colors listed above. Silver or chrome finishes are strictly prohibited. **There should be an admonition that furniture must be kept in good condition and can be removed on a five day notice placed on the item.**

**Item Four:** Furniture must be appropriately sized to the seating area and may include two cafe sized chairs with a bistro table not to exceed 2 feet (23”) in diameter **OR** a garden bench not to exceed 4 feet (48”) in length. **This is the first paragraph which explicitly allows for a “seating area” which in any other parlance is a front patio – chairs and bistro tables lend themselves to the idea of a patio. Many of these would be in front of Lincoln unit kitchen and bath windows, or one-bedroom bedroom windows, and who really wants to visualize a series of butts sitting in front of the kitchen while making dinner.**

**Item Five:** ALL furniture must be placed within the Limited Common Element area adjacent to a Unit’s entry door or stoop and must be ENTIRELY contained within a space no further than 5 feet from the wall of that building and, additionally, are strictly prohibited from crossing any sidewalks. Furniture placement is strictly prohibited in front of any other unit’s bedroom, kitchen, or bathroom window. If a seating area location overlaps in any way with an approved location for an HVAC compressor, the installation of the compressor will take precedence. **There is no such thing as a Limited Common element area adjacent to a Unit – this term applies only to those areas shown on the plats and plans, or noted in the Declaration. If the Board wishes to set a new definition for Limited Common Areas appurtenant to a unit the Declaration will have to be revised. While the prohibition on location resolves the problem with Item Four, it actually disallows or greatly limits seating areas for many Madison and one-bedroom units to very small areas which would not accommodate anything more than one chair. This also does not cover Covenants approved plantings which may be granted to a downstairs unit, particularly one-bedroom units in “H” style buildings.**

**Item Six:** Removal of any existing mature plantings not specifically listed on the Association's Dirty Dozen List of prohibited plantings will require specific, written pre-approval by the Association prior

to removal and may include a requirement to install replacement plantings in the area at the Association's direction. If plantings are removed without such approval, the Association reserves the right to require that the vegetation in the area be restored at the Unit Owner's expense. **This section further formalizes the idea of a "front patio" - in any case, there is no need to differentiate between "dirty" and non- dirty plants.**

**Item Seven:** Furniture may be placed directly on existing soil and grass or ground covering. If installing surface finishing materials, only permeable materials may be used. Stone dust or gravel in black, white, or neutral earth tone colors such as tan or brown are acceptable. Wood chips or mulch in brown or black are also acceptable materials. Edging materials used as a border to both define the seating area and to contain the surface finishing materials may be black or brown steel or vinyl edging, landscape timbers, or brick or concrete edging. The following materials are strictly prohibited as surface finishing materials: wood or composite decking, concrete, concrete pavers, brick pavers, and stone paving. **"A rose by any other name" --- This one paragraph alone clearly set a standard for a "front patio" rather than a casual seating area (particularly by marking the area with edging materials) – and taking into consideration the color chart for furniture, the colors for these non-natural finishes will provide a front facade patch-work look.**

**Item Eight:** The Unit Owner and all subsequent Owners are solely responsible for all maintenance and repairs of the seating area during and after installation. If the Association requires removal of the seating area, in whole or in part, in order to perform routine or emergency maintenance, the Unit owner is solely responsible for the replacement and/or repair of the seating area; the Association is not responsible in any way. The Association will attempt to make a good faith effort to notify the Unit owner, but failure of such notice does not cause the Association to be liable for any damage to or replacement of any element of the seating area.

## PARKFAIRFAX CONDOMINIUM UNIT OWNERS ASSOCIATION

3360 Gunston Road Alexandria, Virginia 22302-2198

Telephone (703) 998-8764; FAX

---

August 11, 2022

TO: Parkfairfax Board of Directors  
FR: Architecture & Planning Board  
RE: Draft Specifications for Front Seating Areas

Attached for Board review and comment is a draft of specifications for limited common element front seating areas for upper-level units.

The A&PB debated, at length, the pros and cons of front seating areas; trying to balance the desire for outdoor spaces with the need to maintain the aesthetics of the community at large. The attached draft is the result of those discussions.

While the A&PB understands the desire of residents of upper-level units to have designated outdoor space near their unit where they can sit, it proved difficult to develop specifications that will allow this for most upper-level units while also respecting the privacy of the adjacent ground level units. Additionally, because most of these seating areas will face the street there is a concern that if these areas are not well maintained and/or mature foundation plantings are removed in order to install them, the curb appeal of the entire community could be adversely impacted. It should also be pointed out that, per the plats and plans, only ground floor units (i.e., those with two doors) have limited common element appurtenant to their units.

We recommend the areas do not invade with the privacy of the adjacent ground floor units by interfering with any bedroom, kitchen, or bathroom windows; that no mature foundation plantings be removed in order to install; and the seating areas be as unobtrusive as possible and constructed of entirely permeable materials (i.e., wood chips, mulch, gravel). Pavers, stone, brick, or decking materials would not be allowed.

Additionally, Administrative Resolution #2 does provide guidelines for outdoor furniture on stoops, porches, porticos, and breezeways in Section B, page 14.

- e) "On stoops, outdoor furniture of a size appropriate to the stoop. (Indoor furniture is not permitted on the stoop overnight.)"
- f) "On breezeways, porticos and porches: 1 free standing swing, or 1 bench, or 2 outdoor chairs and a table not to exceed 24" in diameter are permitted for each unit."

We would like to recommend that the Board seriously consider installing more benches and other seating areas throughout the property. Such community seating areas would foster the sense of neighborhood so many residents value about Parkfairfax and alleviate the need for individual owners installing front seating areas.

## PARKFAIRFAX CONDOMINIUM UNIT OWNERS ASSOCIATION

3360 Gunston Road Alexandria, Virginia 22302-2198

Telephone (703) 998-8764; FAX

---

### NON-ROUTINE CHANGE APPLICATION CHECKLIST LIMITED COMMON ELEMENT FRONT SEATING AREA

In order to process your application in a timely manner, please be sure **all** of the following information is submitted to the Covenants Director:

- ✓ Completed and signed non-routine change application for installation of a Limited Common Element front seating area included in this packet.
- ✓ All required diagrams and descriptions of materials.
- ✓ If using a contractor for any of the work, please provide a copy of their license, and proof of insurance.
- ✓ Signed and notarized indemnification agreement.
- ✓ Installation of any landscaping and/or lighting on the Limited Common Element as part of the seating area project requires a separate application(s).

Including these items with the application will help to avoid delays in the approval of your application. Please feel free to contact the Association Office if you have any questions at (703) 998-6315.

#### **NOTES:**

- ✓ The attached specifications apply **only** to upper-level units **without** a Limited Common Element patio appurtenant (i.e., belonging) to the rear of the unit. If you have any questions, please contact the Association Office before beginning the application process.
- ✓ Please note, the non-routine change application must be considered and approved by the Covenants Committee. The Committee meets on the second Tuesday of each month; check with the Association office for the application deadline for the applicable monthly meeting.
- ✓ It is highly recommended that the applicant attends the Covenants Committee meeting to answer any questions that may delay approval of or lead to the rejection of the application.

- ✓ Installation of the seating area may begin once the Unit Owner receives written approval from the Association. The Association has the right to stop construction prior to approval.
- ✓ The Unit Owner is solely responsible for all maintenance and repair of the seating area during and after installation.
- ✓ If the Association requires removal, in whole or in part, of the seating area in order to perform routine or emergency maintenance, the Unit Owner is responsible for the replacement and/or repair of the seating area; the Association is not responsible. The Association will make every good faith effort to inform the Unit Owner prior to commencement of such work; however, the failure of the Association to notify the Unit Owner does not in any way cause the Association to be liable for any damage to or replacement of the impacted seating area.

DRAFT

## PARKFAIRFAX CONDOMINIUM UNIT OWNERS ASSOCIATION

3360 Gunston Road Alexandria, Virginia 22302-2198

Telephone (703) 998-8764; FAX

---

# LIMITED COMMON ELEMENT FRONT SEATING AREA SPECIFICATIONS

## GENERAL INSTRUCTIONS

These specifications apply **only** to upper-level units **without** a Limited Common Element patio or deck area appurtenant (i.e., belonging) to the rear of the unit.

Because the front seating areas are generally street-facing, they shall be unobtrusive and may only be installed within the boundaries of the Limited Common Element and may not cross a sidewalk or interfere with the sight-line of a bedroom, kitchen, and/or bathroom window of an adjacent ground-level unit.

Unit Owners must submit a completed Application for Non-Routine Change to the Association and must receive written approval prior to the start of any installation. As part of the application approval process, the Covenants Committee may request Parkfairfax staff inspect the construction site and make recommendations as to the viability of the proposed plans. Upon receiving written approval from the Association, the Unit Owner is allowed up to one year from the date of the written approval to begin installation.

The Application for Non-Routine Change must include the following information in order to be considered complete:

- Picture of current condition of area where seating area is to be installed.
- Drawing/picture containing accurate dimensions (width and length) and placement of the seating area within the Limited Common Element.
- Drawing/picture shall include a description of all proposed surface materials. Materials not permitted are cement, cement pavers, bricks, stone and /or decking.

The Association has the right to stop any construction that occurs prior to approval.

The Covenants Committee meets monthly; the Unit Owner is encouraged to check with the Association office for application submittal date requirements in order to prevent delay in consideration. It is strongly recommended that the Unit Owner attend the Covenants Committee meeting to answer any questions regarding the application which may arise; unanswered questions may delay the approval or lead to the rejection of an application.

## CONSTRUCTION, USE, AND MAINTENANCE

The seating area may not be placed in front of the bedroom, kitchen, and/or bathroom window(s) of the adjacent ground-level unit.

The seating area may not, in whole or part, cross a sidewalk.

Only permeable materials may be used as surface finish materials. Neutral or earth-toned stone dust or gravel and brown or black wood chips or mulch are acceptable.

Black or brown steel or vinyl edging or landscape timbers may be used as a border to delineate the seating areas and contain the surface material.

Removing mature foundation plantings such as trees and shrubs to install a seating area is not permitted.

If a seating area location overlaps, in all or in part, with an approved location for a HVAC compressor, the installation of the compressor will take precedence.

Furniture must be appropriately sized to the seating area. Examples of acceptably sized furniture include two chairs and a bistro table; a small garden bench with a table; or two Adirondack chairs. No indoor furniture may be used.

The Unit Owner is responsible for ensuring that all debris generated by the Limited Common Element seating area installation, including any excavated soil, is safely removed and properly disposed of within 24 hours upon completion of the project.

The Unit Owner is solely responsible for the maintenance and repair of the seating area during and after installation.

The Unit Owner is responsible for all damage that may occur to the Common or Limited Common Element area due to the project. This includes, but is not limited to, any damage to the unit building or its interiors or interior contents, plantings, soils, landscaping, and/or other Limited Common Element and Common Element features, due to water or moisture. Careful attention must be paid to ground contours and proper grading.

If the Association requires removal, in whole or in part, of a seating area in order to perform routine or emergency maintenance, the Unit Owner is responsible for the replacement and/or repair of the seating area; the Association is not responsible. The Association will

make every good faith effort to inform the unit owner prior to commencement of such routine maintenance work; however, the failure of the Association to notify the Unit Owner does not in any way cause the Association to be liable for any damage to or for replacement of the seating area.

The Association reserves the right to remove, at any time and at the Unit Owner's expense, any seating area installation, upgrade, or modification that has not received approval from the Covenants Committee, that was not installed properly, legally, or was significantly altered from Covenants Committee-approved plans, or that has become a documented routine maintenance problem or hazard.

DRAFT

**PARKFAIRFAX CONDOMINIUM UNIT OWNERS ASSOCIATION**

3360 Gunston Road Alexandria, Virginia 22302-2198

Telephone (703) 998-8764; FAX

---

**Front Seating Area Installation – Non-Routine Application**

**GENERAL INFORMATION**

Date: \_\_\_\_\_ Unit Owner(s): \_\_\_\_\_ Phone: \_\_\_\_\_

Unit Owner(s): \_\_\_\_\_ Phone: \_\_\_\_\_

Building #: \_\_\_\_\_ Unit Address: \_\_\_\_\_

Address (if different from above): \_\_\_\_\_

With my/our initials, I/we affirm the following:

A picture/diagram is attached showing location and dimensions of the proposed seating area. **Initial(s)**  
\_\_\_\_\_

Please indicate what material will be used for the proposed seating area (please check all that apply): \_\_\_\_\_

- |                                 |                                     |
|---------------------------------|-------------------------------------|
| <input type="checkbox"/> Mulch  | <input type="checkbox"/> Stone dust |
| <input type="checkbox"/> Gravel | <input type="checkbox"/> Wood chips |

The color of the material is (please check all that apply): \_\_\_\_\_

- |  |                                |
|--|--------------------------------|
| <input type="checkbox"/> Brown           | <input type="checkbox"/> Black |
| <input type="checkbox"/> Natural/neutral |                                |

Please indicate what material will be used for the proposed seating area's border (please check all that apply): \_\_\_\_\_

- |  |
|--|
| <input type="checkbox"/> Steel or vinyl edging |
| <input type="checkbox"/> Landscape timbers     |

**BY MY/OUR SIGNATURE(S) BELOW, I/WE AFFIRM THE FOLLOWING:**

1. All materials and hardware identified herein and their manner of installation meets all applicable codes and ordinances of the City of Alexandria.
2. I understand maintenance and repair of materials and hardware installed by me is my responsibility and that I am obligated for all expenses relating to its maintenance and repair.
3. I understand that I am personally liable for all damages and expenses to my Unit and/or the Common Elements resulting from improper installation or operation, failure to properly maintain such materials and hardware or malfunction of any materials and hardware installed by me or at my direction. This includes any water damage or water infiltration.
4. I will contact the Association (703-998-6315) within ten (10) days after installation to schedule the required inspection when required by the specifications.
5. I affirm that I am installing/replacing the above items exactly as represented here. I understand that any variation from the above constitutes a violation of the architectural guidelines and automatically voids approval.
6. I understand and agree that no work on this proposed change shall commence without prior written approval of the General Manager.
7. The Parkfairfax Condominium Association or its agents shall not be held liable for repair/replacement of approved alterations (i.e. storm doors, washing machines, etc.) that must be removed or damaged in order to perform necessary work on the property other than in cases of gross negligence. Whenever possible, the Association Office will inform residents of any impending work that might affect any changes.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Unit Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Unit Owner

